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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,750	07/31/2001	J. Ross Talley	SCP-7400	2700

7590 04/08/2003
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San Francisco, CA 94105

EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

7

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,750

Applicant(s)

TALLEY ET AL.

Examiner

Saeed T Chaudhry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 31-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: ____

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-30, drawn to a method for exposing an object to fluid, classified in Class 134, subclass 22.18.

Group II, Claims 31-55, drawn to an apparatus comprises a chamber having wall and a fluid coupled to the chamber, classified in Class 134, subclass 94.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions set forth in claims 1-30 (Group I) and claims 31-55 (Group II). The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as storing object in the chamber or mixing fluids in the chamber or coating an object in the chamber.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for any one group of claims is not required for any of the other groups of claims, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Ms. Kathleen Frost on January 14, 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-30. Affirmation of this election must be made by applicant in responding to this Office action. Claims 31-55 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Joint Inventors

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) he has abandoned the invention.

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(f) he did not himself invent the subject matter sought to be patented.

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and

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reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

Claims 1-6 and 16-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Swain et al.

Swain et al (5,125,979) disclose a method for exposing an object (snowflakes) to fluid (clean dry gas such as filtered nitrogen or air) from an entrance of acceleration chamber 22. The acceleration chamber 22 has a generally conical entrance, a constricted throat, and an exit which gradually increases in diameter. Compressed gas (first fluid) is introduced through feed line 42, valve 40, annular chamber 34, and ring nozzle 36 into acceleration chamber 22 at high velocity. The resulting primary high velocity gas stream from ring nozzle 36 adheres to the coanda profile and is directed toward the outlet 44 of acceleration chamber 22 (see col. 7, lines 22-48). Since Swain et al. utilize dry nitrogen gas. Therefore, nitrogen gas inherently dry the objects as claimed in claims 3-5 and 18-20.

Claims 1-4, 6-9, 15-19, 21-24 and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Horii et al.

Horii et al. (5,188,868) disclose a method for exposing an object (powder) to a fluid (pressurized gas). The unit (A) constitutes an inlet portion for a powdered material by a Coanda spiral flow. This unit (A) comprises a supply port (1) and a discharge port (2) connected by a flow passage, an annular Coanda slit (3) for the introduction of pressurized gas into the flow passage in the lateral direction, a curved inclined surface (4) of the flow passage in the vicinity of said Coanda slit (3), a supply pipe for pressurized gas (5), and a distribution portion (6). A powdered material to be coated is introduced through

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the supply port (1) and conveyed to the unit (B) by pressurized gas introduced through the Coanda slit (3). The pressurized gas forms a Coanda flow along the curved inclined surface (4), and in this example, a spiral motion is generated in the flow of powdered materials.

The unit (B) has an annular Coanda slit (7) through which a liquid coating material is atomized by pressurized gas as diffusing gas is blown into the part of the flow passage thereof having; a curved inclined surface (8), and a distribution portion (9), and is provided with a pressurized gas supply pipe (10) and a liquid supply pipe (11) to generate and supply a mist of a liquid coating material. In the unit (B), a mist of a liquid coating material formed by a mixture of pressurized gas and a liquid coating material is blown from the Coanda slit (7) into the flow passage for a powdered material, the surfaces of the powdered material are coated with the coating material, and the coated powdered material is discharged from the discharge outlet (12). As the pressurized gas to be blown from the Coanda slits (3) and (7) of the units (A) and (B), any gas such as air, inert gas and reactive gas can be employed, and can be selected (see col. 2, lines 35-68). Therefore, Horii et al. anticipate the claimed process since the reference discloses object (powder) and directing first fluid (pressurized gas from slit 3) and second fluid (water from slit 7) into the chamber having wall surrounding the interior. The reference do not specifically disclose to dry or clean but it would inherently dry and clean the object as claimed herein. Further, Horii et al. disclose a reduced diameter section at the end of the chamber 12. Therefore, fluids are accelerated in this section because of the reduced diameter.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-14 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horii et al.

Horii et al. were discussed supra. However, the reference fails to disclose that said second fluid is directed prior to the first fluid to induce coanda flow.

Horii et al. disclose that object (powder) and directing first fluid (pressurized gas from slit 3) and then directing second fluid (water from slit 7) into the chamber having wall surrounding the interior. Therefore, one of ordinary skill in the art would change in sequence of adding first fluid or second fluid into the chamber because it is held obvious to select order of performing process steps in the absence of new or unexpected results (see *In re Gibson*, USPQ 230 (CCPA 1930) or *In re Burhans*, 69 USPQ 330 (CCPA 1946).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (703) 308-3319. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 5:00 P.M.

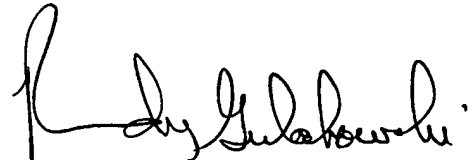
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Gulakowski Randy, can be reached on (703)-308-4333. The fax phone number for this Group is (703)-305-7719.

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When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Saeed T. Chaudhry
April 4, 2003

A handwritten signature in black ink, appearing to read "Randy Gulakowski". The signature is fluid and cursive, with a large initial "R" and "G".

RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700